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Applicant: Miller
Appl. No.: 10/775,691
Filing Date: February 10, 2004
Title: DEVICES, TESTS AND METHODS FOR THE ANALYSIS OF WINE SAMPLES
Attorney Docket No.: 104CIP
Pub. No.: US 2004/0161366 A1
Pub. Date: August 19, 2004

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was received on September 17, 2004.

The request is DISMISSED.

The instant request is that the patent application publication be republished because publication contains many typographical errors, as "colorimetric" is misspelled as "calorimetric" throughout the specification.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The typographical errors wherein "colorimetric" is misspelled as "calorimetric" throughout the application are Office errors, but they are minor typographical errors which are understandable from reading the sentence, paragraph and specification in which the terms are used, as terms are not read in a vacuum. While the term "colorimetric" is intermittently misspelled throughout the specification, it is also spelled correctly and the specification discusses the measurement of color, which is clearly a colorimetric. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published"

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

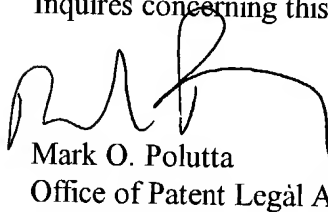
may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions should be addressed as follows:

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Inquires concerning this communication should be directed to Mark Polutta at (571) 272-7709.



Mark O. Polutta
Office of Patent Legal Administration
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